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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HUYNH, SON P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

09/835,515

Applicant(s)

THOMAS ET AL.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --.

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2006, and 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14-20, 22-26, 35-38, 44-47 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-20, 22-26, 35-38, 44-47 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12, 14-20, 22-26, 35-38, 44-47 and 51 have been considered but are moot in view of the new ground(s) of rejection.

Claims 13, 21, 27-34, 39-43, 48-50 have been canceled.

### ***Claim Objections***

3. Claims 36 and 38 are objected to because of the following informalities:

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Claims 38 and 38 recite the limitation "a computer-readable medium having embodied thereon at least one program to cause at least one processor to implement" in lines 1-2 should be replaced as – a computer-readable medium encoded with a computer program being executed by a processor to implement".

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12, 14-20, 22-26, 35-38, 44-47, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al. (US 6,820,277) in view of Zigmond et al. (US 6,698,020).

Regarding claim 44, Eldering discloses a data broadcast system for use with a broadcast system to carry digital packets to multiple recipients simultaneously (broadcast system for providing digital packets of video and advertisements to plurality

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of subscribers – see include, but is not limited to, figures 1, col. 4, lines 1-6; col. 9, lines 4-65). The data broadcast system comprising:

at least one content provider unit (advertising provider/ advertiser- figure 1) to generate specifications of digital content and insert instructions for inserting the digital content into a broadcast signal, wherein the digital content pertains to data broadcasting (e.g., advertiser generates ad characteristics/parameter such as duration, broadcast time, etc. that used to insert advertisement content into the broadcast signal and the advertisement content is multiplexed/inserted to data broadcasting – see include, but is not limited to, figures 8-10, col. 4, lines 7-25, col. 5, line 9-col. 6, line 45, col. 8, line 12-col. 9, line 17);

a content liaison to allocate a bandwidth profile to each of the at least one content provider unit (e.g., AMS 100 allocates a bandwidth in the available bandwidth/advertisement channel to the advertiser once the bidding process is complete – see include, but is not limited to, col. 8, line 23-col. 9, line 12), to receive the specifications of digital content and the insertion instructions from each of the at least one content provider unit (the AMS receives advertisement characteristics, parameters, from advertiser – see include, but is not limited to, col. 2, lines 30-49, col. 5, lines 8-29), and to insert the digital content into the broadcast signal according to the insertion instructions based on bandwidth profile allocated to each of the at least one content provider unit (e.g. inserting advertisement content into the broadcast signal according to ad parameters such as duration, bandwidth, etc. based on the duration, avail

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bandwidth/advertisement channel, etc. allocated to the advertiser – see include, but is not limited to, col. 9, lines 4-65),

wherein the bandwidth profiles are communicated from the content liaison unit to the at least one content provider unit over a communication network, and the specifications of digital content and the insertion instructions are communicated from the at least one content provider unit to the content liaison unit over the communication network (announcing avails/advertisement channel are communicated from the AMS 100 to at least one of advertiser over a communication network connected between AMS and advertiser(s), and the advertiser provides ad characteristics/parameters over the network connected between the AMS and the advertiser – see include, but is not limited to, figure 1, col. 2, lines 25-49, col. 5, lines 9-29, col. 8, line 23-col. 9, line 17),

and wherein the insertion instructions generated by each content provider unit completely determines a time at which each digital content item referenced in the corresponding specifications of digital content is inserted into the broadcast signal (interpreted as ad characteristics/parameters such as ad duration, ad bandwidth, etc. generated by the advertiser determines to insert advertisement content into the broadcast signal when ad characteristics such as ad duration, or bandwidth, matches with the duration, bandwidth in “avails”, time slot – see include, but is not limited to, col. 2, lines 40-49, col. 8, lines 3-33). However, Eldering does not explicitly disclose the insertion of digital content into the broadcast signal independently of the insertion instructions generated by any other content provider unit.

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Zigmond discloses advertisement content provider is the advertiser, the advertisement provider is the same as the video programming content provider (col. 8, lines 12-20). The ad insertion device inserts of advertisement data into video programming feed based on rules set by the advertiser and/or advertisement selection criteria and/or trigger events generated by the advertisement provider/advertiser/content provider (see include, but is not limited to col. 4, lines 61-67, col. 8, lines 30-37, col. 11, line 30-col. 12, line 32); the Ad selection criteria include both advertisement parameters associated with particular advertisement and ad selection rules are predefined/assigned by the advertiser (see col. 11, line 31-col. 12, line 59); Certain advertisements have time-sensitive subject matter, such as those that present commercial offers for a limited time (col. 14, lines 4-9); An advertiser may wish to insert the advertisement for display to a viewer at a desired time (e.g. showing "late nite" ads, "prime time" ads, directly after an advertisement of an competitor, when a star of the motion picture appears on a television talk show, etc.) using ad selection criteria generated by the advertiser (see include, but is not limited to, col. 12, line 54-col. 13, line 6, col. 13, line 64-col. 14, line 24, col. 15, lines 35-43). Thus, ad selection criteria/trigger event generated by content provider/advertiser inherently comprises insertion time (e.g. at user desired time such as showing late night ("late nite" ads), prime time ("primetime" ads), directly after an advertisement of a competitor, or when a star of the motion picture, etc. so that the advertisement is inserted at the advertiser desired time, or when trigger event is detected. Therefore, Zigmond inherently discloses the insertion instructions (included in ad selection criteria include ad advertisement parameters and ad selection rules)

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generated by each of content provider unit (advertiser) completely determines a time at which each digital content item (advertisement) referenced in the corresponding specifications of digital content (e.g., advertisement parameters) is inserted into the broadcast signal (video programming feed), independently of insertion instructions generated by any other content provider unit (insertion of advertisement using insertion time in the trigger event/ad selection criteria assigned by advertiser – see discussed above).

It is obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to use the teaching as taught by Zigmond in order to insert advertisement for display to the user at time desired by the advertiser (col. 13, lines 64-67), to increase advertising revenue and to more effectively compete in the advertising market because advertisers are generally willing to pay for the increased advertisement targeting efficiently (see col. 5, lines 3-10).

Regarding claim 1, Eldering in view of Zigmond discloses a data broadcasting system as discussed in the rejection of claim 44. Eldering further discloses the content liaison unit (AMS 100) includes:

a content provider (CP) interface to receive, from the at least one content provider unit a specification of the digital content that is to be inserted into the broadcast signal and an insertion schedule by which the digital content is to be inserted into the



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broadcast signal (interpreted as Web (browser) interface to advertiser to receive ad characteristics including ad parameters such as ad duration, ad bandwidth, etc. of advertisement that is to be inserted into the broadcast signal when the ad parameters and avails parameter are matched – see include, but is not limited to, figure 1, col. 2, lines 30-49, col. 4, lines 15-25, col. 5, line 9-col. 6, line 65);

a collection unit, responsive to the CP interface, to collect digital files of the digital content by at least one of actively retrieving and reactively the digital files from a source thereof identified in the specification (e.g., AMS 100, responsive to the Web (browser) interface, to receives advertisement content from advertisement content source identified by ad characteristics/ad parameters – see include, but is not limited to, figure 1, col. 5, lines 9-29, col. 9, lines 4-12); and

a insertion unit, response to the CP interface, to transfer the digital files from the collection unit to the broadcast system according to the insertion schedule (e.g. insertion module for insertion into the actual program streams (set of program signals) according to ad characteristics/ad parameter provided by the advertiser for transfer to the broadcast system including subscribers – see include, but is not limited to, col. 9, lines 5-65).

Regarding claim 2, Eldering in view of Zigmond discloses data broadcast system as discussed in the rejection of claim 1. Eldering further discloses the AMS includes an ability to capture particular ads and to store those ads for later display (col. 11, lines 20-49). Thus, the collection unit (i.e. AMS 100) includes memory into which the collection

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unit is configured to store the digital files so as to decouple, in time, the collection and the transfer of the digital files (advertisements).

Regarding claim 3, Eldering in view of Zigmond discloses the data broadcast system as discussed in the rejection of claim 1. Eldering further discloses the AMS receives advertisement characterization (i.e., ad bandwidth, ad duration, etc.) and insertion schedule (e.g., ad parameters includes ad duration, ad bandwidth, etc. used to match with avails information to insert advertisement content – col. 5, line 30-col. 6, line 13; col. 10, lines 51-55) of multiple advertisements from multiple advertisers (col. 5, lines 9-39; col. 8, lines 12-43). Thus, the claimed first content provider unit is met by one advertiser/ad source and the second content provider unit is met by the other advertiser/ad source, wherein the claimed CP interface, collection unit, insertion unit as claimed are analyzed as discussed in the rejection of claim 1.

Regarding claim 4, Eldering in view of Zigmond teaches the data broadcasting system as discussed in the rejection of claim 3. Eldering further discloses the ad characteristics/ad parameters provided to the AMS using Web (browser) interface (col. 5, lines 9-14. It would have been obvious to one of ordinary skill in the art that first specification, first insertion schedule, second specification, and second schedule (ad characteristics/ad parameters) are provided to the CP interface (Web browser) using a common communications protocol in order to reduce complexity in data processing.

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Regarding claim 5, Eldering in view of Zigmond teaches the data broadcasting system as discussed in the rejection of claim 1. Eldering further discloses the specification includes at least one of the following:

a characterization type of the digital content (e.g. ad bandwidth, duration, etc. – col. 2, lines 35-49);

a transfer schedule by which the liaison unit is to obtain the digital content (at scheduled duration, bandwidth, time, etc. – col. 2, lines 30-49).

Regarding claim 6, Eldering in view of Zigmond teaches the liaison unit as discussed in the rejection of claim 5. Eldering in view of Zigmond does not explicitly disclose the transfer schedule includes a first set of at least one time for the digital content to be collect and a second set of at least one time for digital content to be transferred, the second set being different than the first set. Official Notice is taken that collecting times for set of content to be received and transferred and the received time is different from the transferred time is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering in view of Zigmond to use the well-known teaching in the art so that the content can be tracked/updated and an accurate bill can be prepared for content provider.

Regarding claim 7, Eldering in view of Zigmond teaches the data broadcasting system as discussed in the rejection of claim 1. Eldering further discloses the insertion schedule comprises duration (D) of time slot (avail duration) or start time slot and end time slot for

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insertion (scheduled broadcast time for advertisement to be inserted) – see col. 2, lines 31-40, col. 5, lines 35-46, col. 6, lines 21-30.

Regarding claim 8, Eldering in view of Zigmond teaches the data broadcasting system as discussed in the rejection of claim 7. Eldering further discloses insertion schedule at exact time duration of the avail (e.g., 30s - col. 6, lines 20-21), and the interface of the advertiser/ad source receive the insertion schedule and transmit the advertisement as duration or broadcast time as scheduled (col. 5, lines 8-46). It would have been obvious to one of ordinary skill in the art that the insertion schedule is a microschedule (schedule for each ad); wherein the CP interface (advertiser/ad source interface) is operable to receive a macrochedule (avail time/duration) including at least one recurring time slot, each recurring slot having a microschedule (schedule for each ad), respectively; and wherein the insertion unit is responsive to the macrochedule (response to avail time/duration) in order to insert and transfer the advertisements to maximize bandwidth utilization for the ads.

Regarding claim 9, Eldering in view of Zigmond discloses the data broadcasting system as discussed in the rejection of claim 7. Eldering further discloses when multiple ads are used with an avail, the ad with the highest correlation (and its corresponding price) is selected for placement in the avail (col. 8, lines 23-30) broadly reads on if two or more of the scheduling parameters are contradictory, then the liaison unit is operable to apply

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at least one conflict resolution rule to ignore at least one of the contradictory scheduling parameters in order to interpret the insertion schedule to be valid.

Regarding claim 10, Eldering in view of Zigmond teaches the liaison unit as discussed in the rejection of claim 9. Eldering further discloses ad duration (e.g., 10 s; 15s; etc. – col. 5, lines 35-37) and broadcast for duration (broadcast in avail duration of the ad, i.e. 15s, 20s, etc. – col. 5, line 67-col. 6, line 1; col. 6, lines 20-21).

Regarding claim 11, Eldering in view of Zigmond teaches the data broadcasting system as discussed in the rejection of claim 1. Eldering in view further discloses CP interface receives specification and the insertion schedule presented (ad parameters such as ad broadcast time, ad duration, etc.) from the content provider unit (advertisers) using a web (browser) interface (col. 5, lines 9-44). Eldering further discloses the AMS can be realized in a software means in a number of programming languages including but not limited to Java, C, and C++ (col. 10, lines 5-9). Zigmond also discloses using HTML page (col. 9, lines 11-13). However, Eldering in view of Zigmond does not specifically disclose XML document. Official Notice is taken that using XML document is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering in view of Zigmond to use the well-known teaching of XML document as taught in the art in order to expand capabilities of the system.

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Regarding claim 12, Eldering in view of Zigmond teaches the data broadcasting system as discussed in the rejection of claim 1. Zigmond further discloses guide, HTML page, World Wide Web, WebTV (see include, but is not limited to, col. 4, lines 40-52, col. 6, lines 40-47, col. 9, lines 10-13, col. 10, lines 5-15). It would have been obvious to one of ordinary skill in art that the specification (i.e. Electronic programming Guides or HTML page, World Wide Web page) includes at least one account (for example, account used to customized, personalized data on the EPG, user profile), each account including at least one catalog (e.g. list of programs/content in the program guide/or in the user profile), each catalog including at least one independent item to be output by the content liaison unit to the broadcast system or at least one group of related items to be output by the liaison unit to the broadcast system (i.e., items in the programming guide/navigation pages group by category, times, channel, etc.) , each group including at least one group of related items or at least one independent item (e.g. items associated with a category), in order to locate desired item easily.

Regarding claim 14, Eldering in view of Zigmond discloses a data broadcasting system as discussed in the rejection of claim 1. Eldering further discloses a billing module is used to handle the charges and the payments of the advertiser/ad sources (col. 9, lines 55-65). Eldering further discloses the advertisement comprises ad duration, minimum ad bandwidth, etc. (col. 5, lines 35-45). Necessarily, the specification and insertion schedule associated with an account (e.g. advertiser/ad source, available bandwidth, available duration); and the insertion unit is operable to limit the insertion schedule

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dictated transference of the digital content so as to comply with a bandwidth allocation for the account (avail bandwidth/duration for the avail ad for advertiser/ad source – col. 8, lines 2-42).

Regarding claim 15, Eldering in view of Zigmond teaches a data broadcasting system as discussed in the rejection of claim 14. Eldering further discloses the advertisement is transmitted in avail opportunities, such as duration, broadcast time, etc. (col. 5, line 63-col. 6, line 45). Necessarily, the insertion unit limits the transference by processing the insertion schedule as a plurality of incremental time slices (figure 8), the bandwidth allocation (avail bandwidth) representing a maximum data amount of data that can be transferred in each time slice (col. 6, lines 15-30). Eldering also disclose multiple advertisements are used with an avail, the ad with highest correlation is selected for placement in the avail (col. 8, lines 23-55). It would have been obvious that if transference of the maximum amount of data takes place before the end of the time slice, then the insertion unit is operable to suspend the transference until a next time slice begins (next avail) in order to maximize bandwidth utilization, and furthermore, to optimize the revenue.

Regarding claim 16, the limitations of the content provider unit as claimed correspond to the limitation of the liaison unit as claimed in claim 44. Since the data broadcasting system of claim 44 connected with the content provider unit to receive information and performs functions according to information provided by the content provider as claimed

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in claim 44, the content provider must comprises features/devices corresponding to features/devices at the liaison unit for generating information/parameters that performs the function at the liaison unit. Therefore, rejection of limitations of claim 16 is analyzed as discussed with respect to the rejection of claim 44, wherein an insertion schedule generator is interpreted as the device that the advertisers uses to generates ad parameters including ad bandwidth, ad duration, etc. (see Eldering, col. 2, lines 30-40; col. 5, lines 8-46), the interface to a liaison unit is interpreted as Web (browser) interface (col. 5, lines 8-46), the machine readable form is interpreted as the web page/browser, ad characterization including ad parameters/or digital content (see Eldering 5, lines 7-46, col. 10, lines 1-13).

Regarding claim 17, Eldering in view of Zigmond teaches the liaison unit as discussed in the rejection of claim 16. The additional limitation "a source of the digital content" is interpreted as source of advertisement or video content (see Eldering, figures 1, 10, or Zigmond, figures 3-5,7-8).

Regarding claims 18-20, 23-26 the limitations as claimed correspond to the limitations as claimed in claims 3-7, 11-12, and are analyzed as discussed with respect to the rejection of claims 3-8, 11-12, wherein a first machine readable form, second readable form are read on the form/web browser/web page provided by first content provider/advertiser, and second content provider/advertiser.



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Regarding claim 22, Eldering in view of Zigmond discloses the data broadcasting system as discussed in the rejection of claim 16. Eldering further discloses the content provider unit enters ad characterizations for first advertisement and ad characterization for second advertisement comprises bandwidth requires, duration, broadcast time, etc. (col. 5, lines 9-45; col. 8, lines 25-33). Thus, the ad characterization for first advertisement broadly reads on the claimed first machine-readable form, first specification (e.g. duration = 15s) and first insertion schedule (schedule bandwidth, time, duration for first advertisement) corresponding to a first account maintained by first content provider/advertiser, which being bounded by a first bandwidth allocation (i.e. bandwidth allocation/available for first advertisement) and ad characterizations of the second advertisement reads on second machine readable form, second specification of second digital content (second advertisement) that is to be inserted into the broadcast system (col. 9, lines 5-17) and a second insertion schedule by which the second digital content to be inserted into the broadcast system (schedule for second ad to be inserted into the transport stream, the second specification and insertion schedule corresponding to a second account maintained by the content provider (second ad characterization such as broadcast time, bandwidth, etc. correspond to a second account maintained for second advertisement, the second account being bounded by a second bandwidth allocation different than the first bandwidth (for example, bandwidth for second ad is 4 Mb/s and bandwidth for first ad is 2 MB/s – col. 5, lines 30-47).

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Regarding claims 35-36, the method and the computer readable medium, respectively, direct toward embody the system of claim 1, and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claims 37-38, the method and the computer readable medium, respectively, direct toward embody the system of claim 16, and are analyzed as discussed with respect to the rejection of claim 16.

Regarding claim 45, Eldering in view of Zigmond discloses the data broadcasting system as discussed in the rejection of claim 44. Eldering further discloses the broadcast signal into which the digital content is inserted contains therein video and/or video program content (audio and/or video content received in program stream –col. 9, lines 5-65, figure 10).

Regarding claim 46, Eldering in view of Zigmond discloses a system as discussed in the rejection of claim 44, Eldering further discloses the avail sales/auctioning module also calculates the placement of the advertisements based on the degree of correlation and a pricing scheme...prior to allocating the avails time slot to advertiser(col. 7, line 64-col. 9, line 65) reads on prior to the allocation, the at least one content provider unit (advertiser) and the content liaison unit (AMS) negotiate with each other over the communication network to allocate a bandwidth for the digital content (advertisement content) specified by the content provider unit.

Regarding claim 47, Eldering in view of Zigmond discloses the data broadcasting system as discussed in the rejection of claim 44. The additional limitation of "at least one receiver device to receive the broadcasting signal including the digital content and to extract data from the received broadcast signal" is read on the receiver at the subscriber side receives broadcast signal including advertisement and extract to display advertisement data to subscriber (see include, but is not limited to, Eldering, figure 1, col. 9, lines 55-65, Zigmond, figures 5-6).

Regarding claim 51, Eldering in view of Zigmond discloses the content liaison unit as discussed in the rejection of claim 1. Eldering further discloses AMS 100 allocates a bandwidth in the available bandwidth/advertisement channel to the advertiser once the bidding process is complete – see include, but is not limited to, col. 8, line 23-col. 9, line 12), and the AMS receives advertisement characteristics, parameters, from advertiser – see include, but is not limited to, col. 2, lines 30-49, col. 5, lines 8-29). Thus, the content liaison unit (AMS) inherently includes a bandwidth management unit configured to allocate the bandwidth profile to each of at least one content provider unit so that the content provider unit (e.g. advertiser) provides advertisement content/ad parameters on the allocated bandwidth/channel.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eldering (US 6,324,519) discloses advertisement auction system.

Brassil et al. (US 2004,0210944 A1) discloses program insertion in real time IP multicast.

Feezell et al. (US 6,253,189) discloses system and method for completing advertising time slot transaction.

Kutaragi et al. (US 2002/0004743) discloses in contents advertising method, in content advertising server, and program-transferring medium for realizing in content advertising.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

January 19, 2007

A handwritten signature in black ink, appearing to read 'Son P. Huynh', followed by a long horizontal line extending to the right.